

IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 108

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND APPROVING ADMINISTRATIVE RULES THAT IMPOSE A FEE OR CHARGE, WITH EXCEPTIONS, AND REJECTING CERTAIN AGENCY RULE DOCKETS THAT ARE NOT APPROVED.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 29, Article III of the Constitution of the State of Idaho in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain Rules of the Department of Agriculture, Rules for Weights and Measures, are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain Rules of the Division of Occupational and Professional Licenses, Rules of the Idaho State Contractors Board and Rules of the Idaho Electrical Board, are not consistent with legislative intent; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-sixth Idaho Legislature, the Senate and the House of Representatives concurring therein, that all pending administrative rules or portions of pending administrative rules adopted by state agencies pursuant to the Administrative Procedure Act during the prior calendar year, and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2021 legislative session, that impose a fee or charge, be, and the same are hereby approved, with the exception of the following enumerated pending fee rules:

IDAPA 02, Rules of the Department of Agriculture, Rules for Weights and Measures, Chapter 02.02.14, only, adopted as pending fee rules under Docket Number 02-0000-2000FA.

IDAPA 24.21.01, Rules of the Idaho State Contractors Board, Division of Occupational and Professional Licenses, Section 175., only, adopted as pending fee rules under Docket Number 24-2101-2000F.

IDAPA 24.39, Rules of the Idaho Electrical Board, Division of Occupational and Professional Licenses, Chapter 24.39.10, Section

1 105., Subsections 09.a. and b., only, adopted as pending fee rules
2 under Docket Number 24-3900-2000F.

3 BE IT FURTHER RESOLVED that IDAPA 02, Rules of the Department of Agri-
4 culture, Rules for Weights and Measures, Chapter 02.02.14, only, adopted as
5 pending fee rules under Docket Number 02-0000-2000FA; IDAPA 24.21.01, Di-
6 vision of Occupational and Professional Licenses, Rules of the Idaho State
7 Contractors Board, Section 175., only, adopted as pending fee rules under
8 Docket Number 24-2101-2000F; and IDAPA 24.39, Rules of the Division of Oc-
9 cupational and Professional Licenses, Rules of the Idaho Electrical Board,
10 Chapter 24.39.10, Section 105., Subsections 09.a. and b., only, adopted as
11 pending fee rules under Docket Number 24-3900-2000F, are hereby rejected and
12 not approved, and thereby pursuant to Sections 67-5291 and 67-5224, Idaho
13 Code, are declared null, void, and of no force and effect.

14 BE IT FURTHER RESOLVED that rule provisions imposing fees or charges
15 that were not submitted through the Office of Rules Coordinator for leg-
16 islative review or that otherwise are not included and approved in this
17 concurrent resolution shall be null, void, and of no force and effect unless
18 approved by adoption of a separate concurrent resolution by both houses of
19 the Legislature as provided in Section 67-5224, Idaho Code.